

### **REMARKS**

The application has been reviewed in light of the Office Action mailed April 18, 2005. At the time of the Office Action, Claims 1-47 were pending in this application. Claims 1-47 were rejected. Claims 38-46 were objected to because of informalities.

#### **Objection to the Claims**

**Claims 38-46 were objected to because they should depend from claim 37 instead of claim 34.**

Claims 38-46 have been amended to depend from claim 37 instead of claim 34.

#### **Rejections of the Claims under 35 U.S.C. § 102(e)**

**Claims 1-47 were rejected under 35 U.S.C. § 102(e) as being anticipated by over U.S. Patent No. 6,496,519 B1 by Russell et al. (hereinafter "Russell")**

Applicant respectfully traverses the rejections and submits that the reference relied upon is improper because it does not contain every element recited in the claims, in as complete detail as is contained in the claims, and arranged as recited in the claims. MPEP § 2131 provides:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claims.

Contrary to the examiner's statement that all elements are disclosed in the Russell reference, element "determining a destination associated with each of the plurality of synchronous transport signal streams, wherein the destination associated with each of the plurality of synchronous transport signal streams is determined by conducting a negotiation for the destination between a first transmitting interface and a second transmitting interface" of

claims 1, 11, 21, 27 and 37 is not, so the rejection is unsupported by the art relied upon and therefore should be withdrawn. Nor are elements “record the destination in a transport overhead of the associated synchronous transport signal stream” and “a monitor coupled to the input and operable to receive the synchronous transport signal streams from the input, and to determine a time slot and a destination interface from the destination recorded in the transport overhead of a synchronous transport signal stream” of claim 47, so the rejection is unsupported by the art relied upon and therefore should be withdrawn.

Claims 2 and 5-10 depend from claim 1, and contain all limitations thereof. Claims 3 and 4 have been canceled.

Claims 14-20 depend from claim 11, and contain all limitations thereof. Claims 12 and 13 have been canceled.

Claims 28 and 31-36 depend from claim 27, and contain all limitations thereof. Claims 29 and 30 have been canceled.

Claims 38 and 41-46 depend from claim 37, and contain all limitations thereof. Claims 49 and 40 have been canceled.

All amendments are made in a good faith effort to advance the prosecution on the merits. Applicant reserves the right to subsequently take up prosecution on the claims as originally filed in this or appropriate continuation, continuation-in-part and /or divisional applications.

Applicant respectfully requests that the amendments submitted herein be entered, and further requests reconsideration in light of the amendments and remarks contained herein.

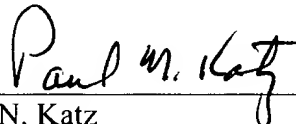
Applicant respectfully requests withdrawal of all objections and rejections, and that there be an early notice of allowance.

**SUMMARY**

In light of the above amendments and remarks Applicant respectfully submits that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone or facsimile.

Applicant believes that there are no other fees due in association with the filing of this Response. However, should the Commissioner deem that any other fees are due, including any fees for a further extension of time, Applicant respectfully requests that the Commissioner accept this as a Petition Therefor, and direct that any and all fees due are charged to Baker Botts L.L.P. **Deposit Account No. 02-0383, Order Number 062891.0598.**

Respectfully submitted,  
BAKER BOTTS L.L.P. (023640)

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